

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Robert Peoples,)	C/A No.: 1:10-1489-CMC-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
Sgt. Randall Manning; Sgt. Patrick)	
Jones; Capt. W. Wilson Jr.; Warden)	REPORT AND RECOMMENDATION
Willie Eagleton; Ofc. Alejandro Lucas;)	
Sgt. Dorothy Simmons; Ofc. John)	
Rodgers Jr.; Lt. J. Quint; Sgt. F. Demers;)	
Mr. James E. Sligh Jr.; Ofc. NFN)	
Graves; Nurse Carole Allen-Warr; Ofc.)	
W. Westbay; Major A. Joyner; Assoc.)	
Warden R. Chavis; all Ind. Capacities,)	
)	
Defendants.)	
)	

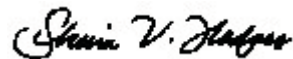
Plaintiff filed this action, which is construed as alleging violations of 42 U.S.C. § 1983. Defendants filed a motion to dismiss on January 24, 2011. [Entry #39].¹ As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), on January 25, 2011, advising him of the importance of a motion to dismiss and of the need for him to file an adequate response. [Entry #40]. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' motion may be granted, thereby ending this case. Notwithstanding the

¹ All pretrial proceedings in this case were referred to the undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(d) (D.S.C.). Because this is a dispositive motion, this report and recommendation is entered for review by the district judge.

specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff has failed to respond to the motion.

On March 3, 2011, the court ordered Plaintiff to advise whether he wished to continue with the case by March 17, 2011. [Entry #31]. Plaintiff has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Shiva V. Hodges". The signature is written in a cursive, flowing style.

March 28, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge